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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,282	07/14/2003	James D. Pylant	067810/0303800 PI-015	7725

7590 10/29/2004  
PILLSBURY WINTHROP LLP  
2550 Hanover Street  
Palo Alto, CA 94304

EXAMINER
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SAKRAN, VICTOR N

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,282

Applicant(s)

PYLANT ET AL. 

Examiner

VICTOR N SAKRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/28/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 and 23-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, III et al U. S. patent No. 5,983,468 (cited by Applicant) in view of Vasudeva et al U. S. Patent No. 6,283,291.

Evans, III et al discloses the general combination claimed of an apparatus formed of rigid plastic material for securing together a tray adapted to hold electronic

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articles and a cover so that may be stacked together to provide multiple storage levels comprising a base (12) forming a bottom portion of the apparatus, first and second restraining segments (28, 30) formed with the base portion defining a channel structure for the insertion and the removal of the stacked trays, wherein each of said restraining segments is provided with a protrusion means (40, 42) extending inwardly for releasably engaging the cover of the tray. Note that the bottom portion (12) is bowed so as to form a central apex which engages the lower planar portion of the tray, and by a simple up and down motion the stacked trays are adapted to be engaged and disengaged from said apparatus; see Figures 1-3, 6; the abstract; column 1, lines 5-7; column 2, lines 30-34, 46-50, 57-63, and claims 1-4, except that the reference to Evans, III et al does not disclose first and second resilient members (pressure members) extending from the base portion. Vasudeva et al teaches the use of a base portion provided with first and second resilient members (7) in an apparatus for a tray holding a tray (1) and a cover (2); see Figures 3, 8, 9, 12, 23; column 3, lines 43-48. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom portion (12) in Evans, III et al with first and second resilient spring members instead of the apex portion for releasably securing the stacked trays within the channel of its apparatus in the manner taught, disclosed and suggested by Vasudeva et al, especially since such modification involves only routine skill in the art.

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**As to the method steps as recited in claims 23 and 26, it would obviously and inherently be within the scope of the references as applied.**

**Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).**

**Moreover, the particular location of the resilient members and/or the arrangement selected of an elements is considered to be no more than an obvious matter of design choice to one having ordinary skill within the art, especially, since it has been held that rearranging pa an invention is involves only routine skill in the art. See *In Re Japikse*, 86 USPQ 70.**

**Claims 21 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 16 and 17, above, and further in view of *Wentland, Jr. et al* U. S. Patent No. 5,461,541 who teaches the use of an enclosure for a printed circuit board comprising first and second side walls, each of said side walls is provided with a protrusion means and a first resilient spring member (40) attached to the first protrusion and a second resilient member attached to the second protrusion means for releasably securing said enclosure; see Figures 1, 2; column 4, lines 31-40, and claim 1, and to further incorporate such structure in *Evans, III et al* by merely modifying the location of the resilient**

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spring members in the manner taught, disclosed and suggested by Wentland, Jr. et al it would have been obvious to one having ordinary skill in the art at the time the invention was made.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the art cited herein, and of record, as showing structure related to Applicant's disclosed invention.

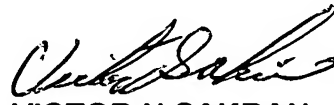
Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 27, 2004

  
VICTOR N SAKRAN  
Primary Examiner  
Art Unit 3677